

APPEAL NO. 031396
FILED JULY 17, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 17, 2003. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and did not have disability. The issue of whether the respondent (carrier) waived the right to contest compensability of the claimed injury was withdrawn by agreement of the parties. The claimant appeals the compensability and disability determinations. In its response, the carrier argues that the claimant's appeal is not sufficiently specific to invoke the jurisdiction of the Appeals Panel. Alternatively, the carrier urges affirmance of the hearing officer's decision.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

Records of the Texas Workers' Compensation Commission reflect that the hearing officer's decision was mailed to the claimant on May 2, 2003. Pursuant to Section 410.202(a), for an appeal to be considered timely, it must be filed or mailed within 15 days, excluding Saturdays, Sundays, and holidays listed in the Section 662.003 of the Texas Government Code, of the date of receipt of the hearing officer's decision. Applying Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 102.5(d) and Section 410.202, the claimant was deemed to have received the hearing officer's decision on May 7, 2003, and the deadline for the claimant to file an appeal was May 29, 2003. Although the envelope containing the claimant's appeal bears a postage meter date of 5-29-03, it is postmarked May 30, 2003. Accordingly, the claimant's appeal was not timely filed.

The true corporate name of the insurance carrier is **OLD REPUBLIC INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PRENTICE HALL CORPORATION SYSTEM, INC.
800 BRAZOS
AUSTIN, TEXAS 78701.**

Chris Cowan
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge